

From: [OKonek, Jonathan \(USAND\)](#)
To: ["ROBERT BOLINSKE"](#)
Subject: RE: Lonnie Spotted Bear 16-cr-179 Trial on Sept. 12
Date: Friday, September 1, 2017 12:16:00 PM
Attachments: [Spotted Bear plea Letter\(2\).pdf](#)
[Spotted Bear - PA and Supp\(2\).pdf](#)
[Spotted Bear INFORMATION\(2\).pdf](#)

Bob,

Thank you for letting me know. Attached, please find the government's plea offer, a letter explaining in greater detail the plea agreement, and a proposed information to which Mr. Spotted Bear would be pleading guilty. If Mr. Spotted Bear intends to accept the agreement, please have him sign both the plea agreement and supplement (he does not have to sign the information). Additionally, if Mr. Spotted Bear accepts the plea agreement, the court will remand him to custody during the date of his change of plea (absent unusual circumstances). I would be willing to delay his change of plea (for example 30 days) so that he can get his affairs in order. Thank you.

Sincerely,

Jonathan O'Konek

Assistant United States Attorney

District of North Dakota

220 East Rosser Avenue - Room 372

P.O. Box 699

Bismarck, ND 58502-0699

701-530-2433 (direct)

701-530-2421 (fax)

From: ROBERT BOLINSKE [mailto:RBOLINSKEJR@msn.com]

Sent: Friday, September 01, 2017 10:15 AM

To: OKonek, Jonathan (USAND)

Subject: Re: Lonnie Spotted Bear 16-cr-179 Trial on Sept. 12

I'm out of state & meeting with Lonnie the first thing Tuesday Morning. Thanks.

Bob

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: "OKonek, Jonathan (USAND)" <Jonathan.OKonek@usdoj.gov>

Date: 9/1/17 6:33 AM (GMT-08:00)

To: ROBERT BOLINSKE <RBOLINSKEJR@msn.com>

Subject: RE: Lonnie Spotted Bear 16-cr-179 Trial on Sept. 12

Bob,

Since Monday is a holiday, did you want me to send you the plea agreement paperwork for the Spotted Bear case today, or do you not believe Mr. Spotted Bear is interested in this deal? Thanks.

Jon

Jonathan O'Konek

Assistant United States Attorney

District of North Dakota

220 East Rosser Avenue - Room 372

P.O. Box 699

Bismarck, ND 58502-0699

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From: ROBERT BOLINSKE [<mailto:RBOLINSKEJR@msn.com>]
Sent: Wednesday, August 30, 2017 1:27 PM
To: OKonek, Jonathan (USAND) <jokonek@usa.doj.gov>
Subject: Re: Lonnie Spotted Bear 16-cr-179 Trial on Sept. 12

Thanks. Let me talk to him again.

Robert V. Bolinske Jr.

BOLINSKE LAW FIRM

402 East Main Ave.

Bismarck, North Dakota 58501

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***Great Plains Super Lawyer/NACDA Top Ten Criminal Lawyers in
ND/National Trial Lawyers Top 100 Trial Lawyers***

From: OKonek, Jonathan (USAND) <Jonathan.OKonek@usdoj.gov>
Sent: Wednesday, August 30, 2017 5:01 PM
To: ROBERT BOLINSKE
Cc: Miller, Anja (USAND) [Contractor]; Wolf, Jenna (USAND) [Contractor]; Lang, Beth (USAND)
Subject: RE: Lonnie Spotted Bear 16-cr-179 Trial on Sept. 12

Bob,

Good morning. I would be willing to offer Mr. Spotted Bear the original deal I sent to Mr. Omdahl (Mr. Spotted Bear's previous attorney) in February of this year. This deal took into consideration Mr. Spotted Bear's advanced age and his health problems. Since we are less than two weeks away from trial, I am not willing to consider any other offers other than the terms outlined below:

- 1) Mr. Spotted Bear would agree to plead guilty to an Information charging him with a single count of abusive sexual contact (on either N. H. [REDACTED] E. [REDACTED], S. H. [REDACTED], or M. S. [REDACTED]) in violation of Title 18, United States Code, Section 2244(a)(1) and 1153;
- 2) The United States would agree to recommend that Mr. Spotted Bear serve 24 months' imprisonment, serve 5 years' supervised release (minimum for this offense), pay restitution, and the \$100 special assessment;
- 3) The maximum punishment for this offense is 20 years (10 years for the offense but doubled to 20 years because it involved a child under 12 years of age, pursuant to Title 18, United States Code, Section 2244(c))
- 4) At sentencing, the United States would agree to dismiss the Indictment, which contains charges that carry the 30 year mandatory minimum sentence.
- 5) At sentencing, you would be free to make any recommendation (including any departures or variances) you see fit.
- 6) Per my calculations, for the 2244(a)(1) offense, Mr. Spotted Bear would have a final offense level 30 and Criminal History I and would be facing a sentencing range of 97-121 months' imprisonment (although I would request 24 months' imprisonment). The parties recommendations would not be

binding upon the court.

Please let me know if Mr. Spotted Bear would be interested in accepting this deal so that I may send you the plea agreement paperwork. I will only hold this offer open until Tuesday, September 5, 2017 at 5pm. If I do not have signed plea agreement (via email) by that date/time, I will revoke the offer.

Thank you.

Sincerely,

Jonathan O'Konek

Assistant United States Attorney

District of North Dakota

220 East Rosser Avenue - Room 372

P.O. Box 699

Bismarck, ND 58502-0699

701-530-2433 (direct)

701-530-2421 (fax)

From: ROBERT BOLINSKE [<mailto:RBOLINSKEJR@msn.com>]

Sent: Wednesday, August 30, 2017 10:11 AM

To: OKonek, Jonathan (USAND) <jokonek@usa.doj.gov>

Subject: Re: Lonnie Spotted Bear 16-cr-179 Trial on Sept. 12

Any chance at resolving this one? Brandi Russell & I just creatively resolved a case very similar to this one. Thanks.

Bob

Robert V. Bolinske Jr.

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Great Plains Super Lawyer/NACDA Top Ten Criminal Lawyers in

ND/National Trial Lawyers Top 100 Trial Lawyers

From: OKonek, Jonathan (USAND) <Jonathan.OKonek@usdoj.gov>

Sent: Tuesday, August 22, 2017 10:13 PM

To: ndd_J-Hovland@ndd.uscourts.gov

Cc: Rbolinskejr@msn.com

Subject: Re: Lonnie Spotted Bear 16-cr-179 Trial on Sept. 12

Jill,

Good afternoon. Yes, the parties anticipate going to trial. The government anticipates calling ten witnesses. Since this is a historical child sexual assault case, the government may only call the three children and their respective guardians. Thanks.

Jon

Sent from my iPhone

On Aug 22, 2017, at 4:21 PM, "ndd_J-Hovland@ndd.uscourts.gov" <ndd_J-Hovland@ndd.uscourts.gov>> wrote:

[Counsel.](#)

[Trial in the above-referenced matter is currently scheduled to begin on Tuesday, September 12, and it is set as #1 on the Court's peremptory calendar. The Judge would like to know if the parties are intending to proceed with trial, and if so, how many witnesses are anticipated to testify and how long trial is anticipated to take.](#)

[Please advise at your earliest convenience.](#)

[Thank you.](#)

[Jill Martin](#)

[Law Clerk](#)

[Chambers of the Hon. Daniel L. Hovland](#)

[U.S. District Court--North Dakota](#)

[701.530.2320](#)